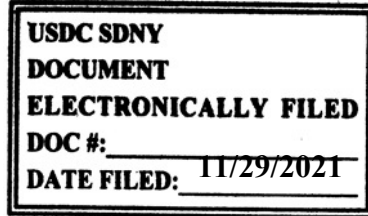




November 29, 2021



Keri A. Joeckel
914.872.7160 (direct)
Keri.Joeckel@wilsonelser.com

**Joint Letter Motion For
Extension of Discovery**

MEMO ENDORSED

Via ECF

Hon. Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Marianne W. Cantor and Richard Cantor v. AMF Bowling Centers Inc. et al.*
Docket No. : 1:20-cv-09035-LAK-KHP
Wilson Elser File No. : 11033.00201

Dear Judge Parker:

Please allow this letter to serve as a request for an extension of time to complete discovery and adjournment of the settlement conference in the above-referenced action. This request is submitted jointly with the consent of all parties.

According to Your Honor's Order, dated October 19, 2021, fact depositions are to be completed by December 1, 2021; fact discovery is to be completed by January 4, 2022; and expert discovery is to be completed by April 4, 2022. Additionally, a settlement conference is scheduled to take place on December 16, 2021. The parties request an extension of time to complete discovery and an adjournment of the settlement conference because Defendant's deposition, non-party witness depositions, and expert discovery remain outstanding.

All written discovery has been exchanged and been supplemented by the parties as necessary to date. Plaintiffs' depositions have taken place, as well as the non-party depositions of Michael Cantor and Joseph St. George, fact witnesses to the subject incident. Remaining non-party fact witness depositions are scheduled to take place on December 3, 2021 and December 10, 2021, for James Pinto and Jennifer Barranco, respectively, pursuant to subpoena.

Defendant's deposition was scheduled to take place on November 23, 2021; however, Defendant's intended witness was recently terminated from his employment and has become uncooperative. Despite this, Defendant immediately identified a new witness, who was identified on the incident report in this matter and is familiar with the relevant subject matter herein. Counsel for both parties coordinated and identified January 10, 2022, as the next available date for all parties, and scheduled Defendant's deposition accordingly.



Additionally, as Your Honor is aware, we previously issued a non-party subpoena for the deposition of Plaintiff's treating physician, Dr. Lon Weiner. When a dispute regarding fees arose, a Conference was held, during which counsel for Plaintiff informed the Court that they are intending to designate Dr. Weiner as an expert witness. However, to date, Plaintiff has not yet received an expert report from Dr. Weiner. Thus, his deposition has not yet been rescheduled, and it is not yet apparent whether further Court intervention regarding same will be necessary.

The parties also anticipate post-depositions demands will be served following the completion of depositions. Lastly, the independent medical examination of Plaintiff Marianne Cantor is scheduled for November 30, 2021.

In order to account for the necessary outstanding discovery, the parties respectfully propose the following revised schedule:

- Fact Depositions to be completed by January 28, 2022;
- Fact Discovery to be completed by March 4, 2022; and
- Expert Discovery to be completed by June 3, 2022.

Finally, a settlement conference is currently scheduled to take place on December 16, 2021. When scheduling same, the parties anticipated that all party and non-party depositions would be completed by such date. Thus, it now appears that an adjournment of the settlement conference to allow for the completion of depositions will more likely lead to a productive conference. Accordingly, the parties jointly respectfully request an adjournment of the settlement conference to take place after January 28, 2022.

There have been three prior requests for an extension of time to complete discovery. Should the Court require additional information or wish to discuss this matter further, please contact the parties.

Thank you for your time and consideration.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP

/s/

Keri A. Joeckel

Fellows Hymowitz P.C.

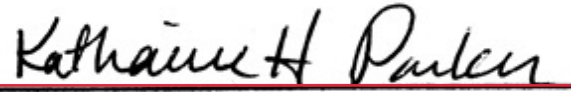
/s/

Steven R. Hymowitz

APPLICATION GRANTED: No further extensions will be granted.

The telephonic settlement conference in this matter is scheduled for Thursday, December 16, 2021 at 2:00 p.m. is hereby rescheduled to Tuesday, March 15, 2022 at 2:00 p.m. Counsel for the parties are directed to call Judge Parker's court conference line at the scheduled time. Please dial (866) 434-5269, Access code: 4858267. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with the Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than March 8, 2022 by 5:00 p.m.

APPLICATION GRANTED

A handwritten signature in black ink, reading "Katharine H. Parker", written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

11/29/2021